

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LORI MOECK, IN HER CAPACITY AS	:	
PARENT AND GUARDIAN AD LITEM	:	
OF C.M. AND A.M., ET AL	:	
<i>PLAINTIFFS</i>		:
	:	CIVIL ACTION
V.		:
	:	NO. 3:13-cv-1305
PLEASANT VALLEY SCHOOL DISTRICT, ET AL	:	
C/O ADMINISTRATION BUILDING	:	
2233 RTE. 115, SUITE 100	:	
BRODHEADSVILLE, PA 18322	:	
<i>DEFENDANTS.</i>		:

**PLAINTIFF'S MOTION TO OBTAIN UN-REDACTED COPIES  
OF DISCOVERY PROVIDED BY DEFENDANTS PLEASANT VALLEY  
SCHOOL DISTRICT, DOUGLAS C. ARNOLD, ANTHONY A. FADULE AND JOHN J. GRESS**

Plaintiffs Lori Moeck, et al, by their attorneys, James, Schwartz & Associates, P. C., move this Court to issue an Order requiring Defendants to provide Plaintiffs with un-redacted copies of discovery that have already been provided to Plaintiffs in redacted form, and offers the following:

## **Factual History**

1. On May 9, 2013, Plaintiffs filed a Complaint against Defendants Pleasant Valley School District, Douglas C. Arnold, Anthony A. Fadule, John J. Gress and Mark Getz.
2. After several motions were filed, the Court ultimately accepted Plaintiffs amended complaint on November 14, 2013, which was answered by the above defendants on December 6, 2013.
3. On January 6, 2014 a joint case management plan was filed by the parties and on January 10, 2014, the Court entered a Case Management Order.
4. The parties began exchanging discovery relevant to the within action.

5. On January 7, 2014, this Court entered an Order (at Docket entry 46) approving a stipulation entered into by all counsel regarding the confidentiality of student records.

6. Consistent with the stipulation, Plaintiffs notified Counsel for Defendants that they were requesting the disclosure of students associated with their statements in un-redacted form, whereupon, Counsel for Pleasant Valley Defendants sent notices to either parents of minor children or directly to those children who have attained the age of majority.

7. Some of the responses received to date, included consents to the disclosure of student records.

8. Some of the responses received to date, include objections to the disclosure of student records.

9. Some of the notices were returned “unclaimed” and some have not been returned to date.

10. In reviewing some of the discovery documents to date, including statements of children who were interviewed by Pleasant Valley defendants and Counsel for Pleasant Valley Defendants, it is difficult for undersigned counsel to follow the claims made by various individuals in redacted form.

11. Furthermore, Plaintiffs contend that it has been impossible to conduct additional discovery requests regarding relevant areas related to Plaintiffs claims, including depositions, without knowing exactly who said what.

12. Plaintiffs seek to depose the eyewitnesses to the claims that form the basis Plaintiff's Second Amended Complaint. Without knowing who they are, it is obviously impossible to depose those eyewitnesses.

13. Consistent with the terms of the executed Stipulation and Order regarding Confidentiality of Student Records, Plaintiffs file the within motion.

14. Fourteen (14) students whose names are listed on School District documents did not claim their letters, and thus, it is unknown whether those students or the parents of the students would consent or object to the release of their student records. The Plaintiffs contend that the records of those students should be provided to Plaintiffs' counsel without redaction and that the students/parents should be deemed to have consented to the release.

**WHEREFORE**, Plaintiffs, Lori Moeck, et al, respectfully request that the Court issue the within Order requiring Defendants to provide Plaintiffs with un-redacted copies of discovery that have already been provided to Plaintiffs in redacted form.

Respectfully submitted,

/S/Jonathan J. James

Jonathan J. James, ESQUIRE  
Attorney I.D. #64534  
1500 Walnut Street  
21<sup>st</sup> Floor  
Philadelphia, PA 19107  
(215) 751-9865  
[jjames@civilrightspa.com](mailto:jjames@civilrightspa.com)

Date August 26, 2014

COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, Jonathan J. James, Esquire, attorney for Plaintiff Lori Moeck, in her capacity as parent and guardian ad litem of C.M. and A.M. do hereby certify that a copy of the foregoing Plaintiff's Discovery Motion has been served upon opposing counsel and parties by electronic means through the Electronic Filing System (ECF) August 26, 2014:

/S/Jonathan J. James

Jonathan J. James, Esquire  
Attorney I.D. #64534  
1500 Walnut Street  
21<sup>st</sup> Floor  
Philadelphia, PA 19107  
(215) 751-9865  
[jjames@civilrightspa.com](mailto:jjames@civilrightspa.com)

Date: August 26, 2014

COUNSEL FOR THE PLAINTIFF